



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/500,446	02/09/2000	Katsuhiko Tachibana	Q57866	2630

7590 01/25/2002

Sughrue Mion Zinn & Seas PLLC
2100 Pennsylvania Avenue NW
Washington, DC 20037

EXAMINER

BISSETT, MELANIE D


ART UNIT	PAPER NUMBER
----------	--------------

1711

DATE MAILED: 01/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

T.D-6

 Office Action Summary	Application No. 09/500,446	Applicant(s) TACHIBANA ET AL.	
	Examiner Melanie Bagwell-Bissett	Art Unit 1711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11-16-01.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The rejections based on 35 USC 112 have been withdrawn based on the applicant's Amendment A. However, the rejections based on 35 USC 103 have been maintained.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 4-6, and 10-113 are rejected under 35 U.S.C. 103(a) as being unpatentable over NITTO DENKO CORPORATION.

4. Support for this rejection can be found in a prior Office action, paragraphs 9-10.

5. Regarding newly added claims 12-13 limiting the inner PSA layer, it has been shown that the reference suggests using multi-layered adhesive structures using other PSA compositions (see p. 9 lines 32-47; p. 11 lines 52-56). However, the reference does not specifically indicate PSA compositions to be used with the polycarbonate adhesive in multi-layered PSA structures. The reference does teach the conventionality of acrylic and rubber adhesives (p. 8 lines 29-34; p. 9 line 58-p. 10 line 7; p. 12 lines 17-25). Furthermore, the polycarbonate adhesives of the reference employ acrylic polymers into the compositions (p. 8 lines 24-57), showing the acrylic polymer's increased adhesion to plastic substrates. Because of the conventionality of acrylic adhesives, and because the acrylic polymers are already present in the polycarbonate layer, it is the examiner's position that it would have been prima facie obvious to choose

Art Unit: 1711

an acrylic PSA composition to use in a multi-layered structure with the polycarbonate layer to improve the adhesion of the adhesives to the substrate.

6. Claims 2-3 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over NITTO DENKO CORPORATION in view of Hartman et al.
7. Support for this rejection can be found in a prior Office action, paragraphs 11-12.

Response to Arguments

8. In response to the applicant's argument that Nitto Denko does not disclose the claimed layer structures or their functions, it is noted that the reference teaches applying polycarbonate adhesives to foam base layers for sealing applications (p. 11 lines 34-40), where multi-layer structures may be employed using other PSA compositions (p. 11 lines 52-56). In this case, because the polycarbonate layers are needed as the outer layers, any other adhesive layers of a multi-layer structure would be inner layers. It has been held by the examiner that the claimed foam properties (requiring at least some closed cells) would be obvious over the reference, since Nitto Denko teaches using foamed materials for sealing purposes. It is well-known in the art that foamed materials having closed cells have improve insulation properties, since closed cells prevent passage of air and other media. It is also noted that the reference need not teach the applicant's functions and advantages, since such properties are not present in the claims.

Art Unit: 1711

9. Regarding the applicant's arguments that the reference does not teach the presently claimed inner layer compositions, it is the examiner's position that the use of such conventional adhesive materials would be obvious over the prior art. See paragraph 5 above.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Bagwell-Bissett whose telephone number is (703) 308-6539. The examiner can normally be reached on M-F 8-4:30.

Art Unit: 1711

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (703) 308-2462. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

mdb
January 22, 2002


James Seidleck
Supervisor
Art Unit 1711